

MAR 19 2019

## UNITED STATES DISTRICT COURT

for the

Western District of Washington

BY

In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)Subject Residence and Subject Vehicle as more fully  
described in Attachment A

Case No.

MJ19-108

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Subject Residence and Subject Vehicle as more fully described in Attachment A, incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

## Code Section

## Offense Description

18 USC922(g)(5), 924(c); 21  
 USC 841(a)(1), 26 USC 5861

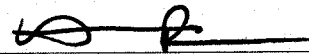
Possession of Firearms by Alien; Possession of Firearms During Drug Trafficking Crime;  
 Possession of Unregistered Firearms; Poss Controlled Substances with Intent to Distribute

The application is based on these facts:

- ☒ See Affidavit of ATF Special Agent Elliott J. Prose, continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☐ by reliable electronic means; or: ☐ telephonically recorded.



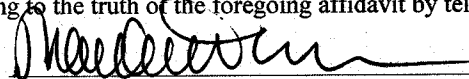
Applicant's signature

Elliott J. Prose, Special Agent

Printed name and title

- ☒ The foregoing affidavit was sworn to before me and signed in my presence, or  
☐ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 03/19/2019



Judge's signature

City and state: Seattle, Washington

Mary Alice Theiler, United States Magistrate Judge

Printed name and title

## ATTACHMENT A

### **DESCRIPTION OF RESIDENCE AND VEHICLE TO BE SEARCHED**

**Subject Residence:** A multiple-story residence located at 22628 106<sup>th</sup> Avenue S.E., Kent, Washington, further described as blue in color that stands off a driveway. The residential building is clearly marked with dark numbering showing “22628.”



**Subject Vehicle:** A 2005 Jeep Grand Cherokee, gray in color, bearing Washington State License Plate AGU4801 and Vehicle Identification Number (VIN) 1J8HR58215C594933.

## ATTACHMENT B

### ITEMS TO BE SEARCHED FOR AND SEIZED

The items to be seized are the following items or materials that may contain evidence of the commission of, the fruits of, or property which has been used as the means of committing federal criminal violations of Possession of Firearms by an Alien, in violation of 18 U.S.C. § 922(g)(5); Possession of a Firearm During a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c); Possession and Transfer of Unregistered Firearms, in violation of 26 U.S.C. 5861(d) and 5861(e), and Possession of Controlled Substances with Intent to Distribute, in violation of 21 U.S.C. § 841(a)(1):

1. Weapons: Firearms, ammunition, destructive devices, and related accessories, including but not limited to: silencers, scopes, shell casings, ammunition boxes, magazines, optics, gun lights, targets, holsters, gun cleaning equipment, slings to hold rifles, trigger locks or other mechanisms used to lock firearms, and machine gun parts.
2. Storage and Containers: Items used to store and distribute firearms and controlled substances, specifically methamphetamine, including safes, locked storage containers, hidden compartments, gun cases, gun lockers, gun safes, and gun storage containers.
3. Transaction Records: Documents such as ledgers, receipts, notes, and similar items relating to the acquisition, transportation, and distribution of firearms, destructive devices and ammunition;
4. Customer and Supplier Information: Items identifying firearms customers and suppliers, controlled substances customers and suppliers, such as, telephone records, personal address books, correspondence, diaries, calendars, notes with phone numbers and names, "pay/owe sheets" with amounts and prices, and similar items;
5. Photographs: Photographs, video tapes, digital cameras, and similar items depicting the property occupants, suspected buyers or sellers of controlled substances, firearms, controlled substances, drug distribution paraphernalia, and assets derived from the sale or purchase of firearms;
6. Property and Occupancy Records: Deeds, contracts, escrow documents, mortgage documents, rental documents, and other evidence relating to the purchase, ownership, rental, or control of the premises, and similar records of other property owned or rented by the occupants that is evidence of income from firearms and/or controlled substances trafficking and locations of firearms, controlled substances, and proceeds from firearms and drug trafficking.

7. Communication Devices: Cellular telephones and other communications devices including smartphones (i.e., iPhones, Android phones, Blackberries, and the like) may be seized, and searched for the following items:
  - a. Assigned number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);
  - b. Stored list of recent received, sent, and missed calls;
  - c. Stored contact information;
  - d. Stored photographs of narcotics, currency, firearms, or other weapons, evidence of suspected criminal activity, and/or the user of the phone or suspected co-conspirators, including any embedded GPS data associated with those photographs;
  - e. Stored photographs of real estate, or other records pertaining to the purchase, sale, lease, or renovation of real property including any embedded GPS data associated with those photographs;
  - f. Stored text messages, as well as any messages in any internet messaging apps, including but not limited to Facebook Messenger, iMessage, Wikr, Telegram, Signal, WhatsApp, and similar messaging applications.
8. Drug Paraphernalia: Items used, or to be used, to store, process, package, use, and/or controlled substances, such as plastic bags, cutting agents, scales, measuring equipment, tape, hockey or duffel bags, chemicals or items used to test the purity and/or quality of controlled substances, and similar items.
9. Trafficking Proceeds: Documents reflecting the source, receipt, transfer, control, ownership, and disposition of United States and/or foreign currency. Negotiable instruments, jewelry, precious metals, financial instruments, and other negotiable instruments.

**AFFIDAVIT OF ELLIOTT J. PROSE**

STATE OF WASHINGTON )

COUNTY OF KING )

I, Elliott J. Prose, being first duly sworn on oath, deposes and says:

**I. INTRODUCTION AND AGENT BACKGROUND**

1. I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

2. I am a Special Agent (SA) with the United States Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so employed since May 14, 2017. I am currently assigned to the Seattle Field Office, in Seattle, Washington where I am assigned to the ATF Violent Crime Task Force. In this capacity, I enforce federal criminal laws relating to the possession and trafficking of firearms. Prior to my employment with the ATF, I served as a Police Officer with the Washington D.C. Metropolitan Police Department in Washington DC from November 2008 until December 2010. I also served as a Federal Air Marshal from December 2010 until May 2017. I received formal training from the Federal Law Enforcement Training Center in Glynco, Georgia, Criminal Investigators Training Program, which familiarized me with basic narcotic investigations, drug identification and detection, familiarization with United States narcotics laws, financial investigations and money laundering, identification and seizure of drug-related assets, organized crime investigations, physical and electronic surveillance, and undercover operations. In addition, I successfully completed a 14- week ATF Special Agent Basic Training course in Glynco, Georgia, which included comprehensive, formalized instruction in, among other things: firearms

1 identification, firearms trafficking, arson and explosives, and tobacco and alcohol  
2 diversion.

3 3. Because of my personal participation in this investigation and because of  
4 information provided to me by other agents and officers, I am familiar with the facts and  
5 circumstances of this investigation. My familiarity with this investigation is further  
6 based on information relayed to me by other law enforcement personnel, discussions with  
7 other experienced officers, detectives, and agents, review of law enforcement reports, and  
8 interviews of witnesses. My experience in investigating firearms traffickers and drug  
9 offenders, my education, my conversations with senior agents, and my specialized  
10 training formed a basis of opinions and conclusions set forth below. Because this  
11 affidavit is being submitted for the limited purpose of obtaining search warrants for the  
12 Subject Residence and Subject Vehicle described below, I have not included every fact  
13 known to me concerning this investigation. Rather, I have set forth only the facts that I  
14 believe are necessary to establish probable cause and the factual foundation for the  
15 issuance of requested search warrants.

## 16 II. PURPOSE OF AFFIDAVIT

17 4. This Affidavit is submitted in support of an application for search warrants  
18 authorizing the search of the following residence and vehicle:

19 a. **Subject Residence:** A multiple-story residence located at 22628  
20 106<sup>th</sup> Avenue S.E., Kent, Washington, further described as blue in color that stands off a  
21 driveway. The residential building is clearly marked with dark numbering showing  
22 "22628." This SUBJECT RESIDENCE is occupied by JESUS RINCON-MEZA.

23 b. **Subject Vehicle:** A 2005 Jeep Grand Cherokee, gray in color,  
24 bearing Washington State License Plate AGU4801 and Vehicle Identification Number  
25 (VIN) 1J8HR58215C594933. According to Washington Department of Licensing (DOL)  
26 records, the Subject Vehicle is registered to Valente Silva Gomez at 11043 S.E. 253<sup>rd</sup>  
27 Place, Apartment W203, Kent, Washington. This SUBJECT VEHICLE is used by  
28 JESUS RINCON-MEZA.

1  
2 5. Based upon the facts set forth below, there is probable cause to believe that  
3 contained within the residence and vehicle described above and in Attachment A  
4 (attached hereto and incorporated by reference), there exists evidence, fruits, and  
5 instrumentalities, as described in Attachment B (attached hereto and incorporated by  
6 reference), of the following federal crimes, committed in the Western District of  
7 Washington:

- 8 a. Possession of Firearms by an Alien, in violation of 18 U.S.C.  
9 § 922(g)(5);  
10 b. Possession of a Firearm During a Drug Trafficking Crime, in  
11 violation of 18 U.S.C. § 924(c);  
12 c. Possession and Transfer of Unregistered Firearms, in violation of 26  
13 U.S.C. 5861(d) and 5861(e), and,  
14 d. Possession of Controlled Substances with Intent to Distribute, in  
15 violation of 21 U.S.C. § 841(a)(1);

16 6. Based on my training and experience, and the facts described herein, I  
17 further believe that JESUS RINCON-MEZA has engaged in unlawful possession of  
18 firearms as an alien and the sale and distribution of controlled substances, namely  
19 methamphetamine, and that RINCON-MEZA utilizes the Subject Residence and/or  
20 Subject Vehicle to facilitate his firearms trafficking and drug distribution activities. As  
21 further explained below, I believe that a search at the Subject Residence and the Subject  
22 Vehicle will likely result in the discovery of evidence of these offenses.

### 23 **III. TARGET OF INVESTIGATION**

24 7. According to information provided by the Department of Homeland  
25 Security and Washington State Department of Licensing records, JESUS RINCON-  
26 MEZA is a 37-year-old male, and a national and citizen of Mexico. RINCON-MEZA  
27 was contacted by Homeland Security Investigation (HSI) agents in Seattle, Washington,  
28 on April 11, 2013. During this contact, RINCON-MEZA admitted that he was a national

1 and citizen of Mexico, and had entered the United States without authorization.  
2 RINCON-MEZA also advised that he was an 'inactive' member of the Playboy Sureños-  
3 13 street gang. RINCON-MEZA made no claim of U.S. citizenship, but claimed to have  
4 a pending application in Los Angeles, California, for a lawful permanent resident card.  
5 RINCON-MEZA was placed under arrest for his illegal status and placed in removal  
6 proceedings, which are pending. HSI has not located any application or record that  
7 RINCON-MEZA has applied for lawful status.

8 8. RINCON-MEZA's Washington State driver's license lists the address of  
9 the SUBJECT RESIDENCE at 22628 106<sup>th</sup> Avenue S.E., Kent, Washington. His driver's  
10 license status is suspended/revoked third degree. The presence of RINCON-MEZA at  
11 the SUBJECT RESIDENCE has been confirmed by law enforcement physical  
12 surveillance of RINCON-MEZA during January 2019 to the present. RINCON-MEZA is  
13 also regularly observed, during the same time period, to be using the SUBJECT  
14 VEHICLE.

15 9. Law enforcement criminal history records show that RINCON-MEZA uses  
16 the alias of Jesus Ignacion Rincon. He has one prior arrest and no convictions. The prior  
17 arrest occurred on July 12, 2007, for unlawful use of weapons, a violation of Seattle  
18 Municipal Code Section 12A.14.080, with no charges filed.

#### 19 IV. SUMMARY OF INVESTIGATION

20 10. Beginning on or about January 30, 2019, and continuing to the present,  
21 RINCON-MEZA is under investigation for firearms trafficking and drug distribution by  
22 ATF and the Seattle Police Department. As further explained below, on January 1, 2019,  
23 RINCON-MEZA sold a grenade to an undercover agent (UCA) for \$700. On March 5,  
24 2019, RINCON-MEZA sold three firearms to an UCA for \$5000. On the same day, the  
25 undercover agent observed RINCON-MEZA prepare a one-pound package of a white  
26 substance, believed to be methamphetamine, for a drug sale to another person. During  
27 the investigation, the SUBJECT RESIDENCE and SUBJECT VEHICLE have been  
28 utilized by RINCON-MEZA to facilitate the firearms transactions.

**V. DETAILS OF INVESTIGATION**

11. On January 30, 2019, ATF SA Eric Jackson, SA Ben Hunt and Seattle Police Department (SPD) Detective Kevin Williams met with an SPD confidential informant (referred to as CI1 throughout the remainder of this affidavit) regarding information pertaining to RINCON-MEZA. CI1 stated that he/she has known RINCON-MEZA for approximately one year, knows RINCON-MEZA as being a member of the Playboy Surenos (PBS) street gang, that RINCON-MEZA is a leader of the PBS in the greater Seattle area, and uses the street name of "Solo". CI1 provided the address for RINCON-MEZA to be 22628 106<sup>th</sup> Avenue S.E. in Kent, the same as the SUBJECT RESIDENCE, and the SUBJECT VEHICLE as the car used by RINCON-MEZA.

Regarding RINCON-MEZA's criminal activities, CI1 explained the following.

12. RINCON-MEZA has told CI1 that he "ripped" someone off for approximately 20 firearms and approximately 20 grenades. I know that the phrase "ripped someone off" means to use force or threats to take possession of another person's belongings. RINCON-MEZA had been attempting to sell the grenades and told CI1 that he only had 15 grenades left. RINCON-MEZA was initially attempting to sell the grenades for \$5,000 each, but later claimed that he would sell the grenades for \$700 per grenade. RINCON-MEZA is known to sell firearms and stolen vehicles. He uses methamphetamine on a daily basis, and has a surveillance system installed at his residence.

13. CI1 is cooperating with law enforcement and indicated an intention that he/she will receive favorable treatment by SPD, specifically, non-referral of an unlawful possession/delivery of narcotics case for charging and prosecution. CI1 has one felony conviction in California for Insufficient Check Funds. During the course of this investigation, the information provided by CI1 about RINCON-MEZA and his activities have been independently verified by law enforcement and none of the information has proven to be false.

1           14. On January 31, 2019, SA Jackson, SA Hunt, and Detective Williams met  
2 with CI1 and directed him/her to contact RINCON-MEZA to introduce the UCA as a  
3 person with whom he/she does business, and to attempt to set up a transaction for the  
4 purchase of three grenades. CI1 contacted RINCON-MEZA by cell phone and offered  
5 the introduction and potential transaction.

6           15. On February 1, 2019, law enforcement agents met with CI1 and I  
7 conducted a search of CI1 and CI1's vehicle, and did not locate any unauthorized items  
8 or contraband. CI1 was fitted with an audio recording device by SA Jackson. As  
9 arranged between CI1 and RINCON-MEZA, CI1 drove to the SUBJECT RESIDENCE  
10 and RINCON-MEZA came out of the SUBJECT RESIDENCE and entered CI1's  
11 vehicle. CI1 and RINCON-MEZA drove to a few locations prior to meeting SA Hunt,  
12 and physical surveillance was maintained on them. CI1 drove with RINCON-MEZA to a  
13 residence located at 12639 S.E. 168<sup>th</sup> Street in Kent, Washington, where RINCON-  
14 MEZA went inside and came back out with a grenade. They then traveled to the parking  
15 lot of Hawthorne Suites at 6329 South 212<sup>th</sup> Street, Kent, Washington, to meet with the  
16 UCA.

17           16. Upon arrival at the parking lot, the UCA entered CI1's vehicle. The UCA  
18 had a video and audio recording device. RINCON-MEZA handed a grenade to the UCA,  
19 and the UCA provided \$700 in cash to RINCON-MEZA. During this transaction,  
20 RINCON-MEZA and the UCA spoke about future deals. After the UCA got out of the  
21 vehicle, CI1 returned RINCON-MEZA back the SUBJECT RESIDENCE. CI1 then met  
22 law enforcement agents at a designated location where CI1 and CI1's vehicle were  
23 searched, with no contraband or other unauthorized items located. The audio recording  
24 on CI1 as well as the video-audio recording on the UCA are being retained by ATF.

25           17. The grenade sold by RINCON-MEZA to the UCA was x-rayed by ATF  
26 Explosives Enforcement Officer (EEO) Brennan Phillips who determined it to be a live,  
27 illumination grenade, classified as an explosive under federal law. EEO Phillips  
28 determined the grenade was made at Crane Navel Depot in Indiana. ATF has no record

1 of registration of this hand grenade. Possession and transfer of a unregistered hand  
2 grenade is a violation of law under 26 U.S.C. 5861(d) and 5861(e).

3 18. Another confidential informant was introduced during this investigation,  
4 and will be referred to herein as CI2. The UCA and CI1 had represented to RINCON-  
5 MEZA that they reported to a 'boss' in Mexico and CI2 was directed by law enforcement  
6 to pose as the 'boss.' CI2 is a paid informant for ATF and other law enforcement  
7 agencies. CI2 provides information and receives money in exchange for the information  
8 he/she provides. CI2 has provided accurate information on cases related to illegal  
9 narcotics trafficking and illegal firearms trafficking to multiple agencies for more than 20  
10 years.

11 19. At law enforcement direction, on February 9, 2019, CI2 placed a recorded  
12 call to RINCON-MEZA and they discussed the interest of CI2 and the UCA purchasing  
13 stolen trucks, firearms and possibly grenades from RINCON-MEZA in the future. CI2  
14 also explained to RINCON-MEZA, he/she had someone they needed to "collect" from.  
15 Based on my training and experience, the term "collect" or "collection" is a term used  
16 refer to violently take back money or items that are owed. RINCON-MEZA told CI2  
17 that he and his crew engage in 'collection' and CI2 agreed to meet face-to-face with  
18 RINCON-MEZA to talk further. The audio-recording was turned over to the ATF to be  
19 maintained as evidence.

20 20. During February 14 and 15, 2019, RINCON-MEZA and the UCA had  
21 several cell phone communications during which time the UCA agreed to meet on  
22 February 15, 2019, to purchase a stolen truck, grenades, and rifles. On that day,  
23 RINCON-MEZA arrived at a WinCo Foods parking lot in Kent, driving the SUBJECT  
24 VEHICLE. He and the UCA discussed a payment of \$1,500 for stolen truck, and  
25 RINCON-MEZA drove to an apartment complex near South 258<sup>th</sup> Place and 27<sup>th</sup> Place  
26 South in Kent, with the UCA following. RINCON-MEZA pointed out a white GMC  
27 Sierra as the stolen vehicle that he would sell. RINCON-MEZA stated that he had  
28 provided narcotics to a car carrier in exchange for four GMC Sierras. He further stated

1 that the truck had to be hot-wired and he did not have a key. RINCON-MEZA attempted  
2 to have a tow truck driver transport the truck for the UCA, however, the tow truck driver  
3 refused to do so without registration records. The UCA and RINCON-MEZA agreed to  
4 meet again the next day. This meeting between the UCA and RINCON-MEZA was  
5 recorded by the UCA.

6 21. A meeting on February 16, 2019, did not occur. It was determined that the  
7 GMC Sierra was reported stolen from U-Haul in Renton, and the vehicle was  
8 subsequently released to U-Haul.

9 22. On March 4, 2019, arrangements were made for CI2 and the UCA to meet  
10 with RINCON-MEZA at the El Habanero restaurant located at 1819 West Meeker in  
11 Kent. RINCON-MEZA arrived in the SUBJECT VEHICLE and met CI2 and the UCA  
12 inside the restaurant. During the conversation between the three, RINCON-MEZA and  
13 CI2 spoke in Spanish at times. The UCA does not speak or understand Spanish, and  
14 participated in English with RINCON-MEZA and CI2. The conversation was recorded  
15 by CI2 and the UCA.

16 23. CI2 told RINCON-MEZA that the UCA worked for CI2 and was  
17 purchasing firearms and grenades on his/her behalf. CI2 claimed that he/she had a person  
18 (fictitious) who owed a debt of \$200,000.00 to the people that CI2 worked for, and  
19 RINCON-MEZA advised that he and his crew does "collections." RINCON-MEZA  
20 stated that if they reached an agreement for him and his crew to do the "collection" for  
21 CI2, the subject of the "collection" could be killed to prevent "talk" by the subject. I  
22 know that the term "talk" as referred by RINCON-MEZA in this context refers to talking  
23 to the police. The UCA asked RINCON-MEZA what they needed to do the "collection,"  
24 and RINCON-MEZA explained that he needed a location and photograph of the subject.  
25 Specifically, RINCON-MEZA stated, "I'ma do it my way . . . first I'm gonna try, you  
26 know, the easy. If it doesn't go, if it doesn't work then I'm . . . I'm gonna have to take  
27 him with us. You know what I mean? . . . You know, if I have to get rid of the fucking  
28 guy then I'm gonna get rid of him and that's it. You know what I mean? Because I'm

1 not going to jail for nobody.” RINCON-MEZA told CI2 that he was willing to do the  
2 ‘collection’ for half the debt.

3 24. RINCON-MEZA also told CI2 and the UCA that he “only got certain  
4 people that do shit like that . . . I’ve got my homies, but I’ve got my homeboys . . . I only  
5 have five of them that I trust, . . . I got my tigers, I got my drug, like the ones that sell  
6 drugs.” In these statements, I believe that RINCON-MEZA’s crew consists of men who  
7 handle the ‘collections’ and other men who deal drugs for him. Regarding drugs,  
8 RINCON-MEZA stated that he could distribute as much as 30 pounds of  
9 methamphetamine a week. CI2 and RINCON-MEZA agreed to revisit possible  
10 methamphetamine transactions later. When the conversation turned to grenades,  
11 RINCON-MEZA stated that he sold all of the ones that he had, and would have to obtain  
12 more, but he could get firearms. RINCON-MEZA also told CI2 and the UCA that he  
13 knew someone who could make the firearms fully automatic, and could get auto sears for  
14 the firearms. The auto sears would be sold for \$500 each. RINCON-MEZA told them  
15 he could get auto sears for handguns. RINCON-MEZA told SA Hunt he would sell him  
16 autosears for \$500 each. I know that a sear is the part of the trigger mechanism that holds  
17 the hammer, strike, or bolt back under the tension of the mainspring of the firearm. An  
18 auto sear is a trigger sear that allows for full-automatic fire, that is, to operate as a  
19 machine gun. At the conclusion of this meeting, RINCON-MEZA agreed to meet at  
20 another time with CI2 and the UCA.

21 25. On March 5, 2019, RINCON-MEZA contacted the UCA by cell phone, and  
22 stated that he had guns and would take \$5000 for them. Later that day, under  
23 surveillance by law enforcement and with a recording device, the UCA traveled to the  
24 SUBJECT RESIDENCE. The SUBJECT VEHICLE was parked at the SUBJECT  
25 RESIDENCE. The UCA went into the residence and conversed for a few minutes with  
26 RINCON-MEZA while they waited for another person to bring two of the firearms. That  
27 person, identified as James Lopez, arrived at the SUBJECT RESIDENCE shortly after  
28 the UCA. RINCON-MEZA showed two firearms to the UCA: A Romarm/Cugir, Mini

1 Draco, 7.72x39 caliber pistol and a Smith & Wesson, M&P 15, 5.57-caliber rifle. Lopez  
2 pulled out a Glock 17, 9mm pistol with full auto sear attached from his waistband and  
3 gave it to the UCA. Lopez explained that if the UCA got caught with the firearm, it  
4 would be a "fed" charge. I believe Lopez was referring to the auto sear on the Glock.  
5 The UCA provided RINCON-MEZA with \$5,000 cash for the firearms. Lopez carried  
6 the three firearms from the SUBJECT RESIDENCE to the UCA's vehicle. The UCA  
7 then departed the SUBJECT RESIDENCE.

8 25. While the UCA and RINCON-MEZA were waiting for Lopez to arrive,  
9 RINCON-MEZA took the UCA into the living room where a .22 caliber rifle was  
10 propped up on the couch. RINCON-MEZA put a magazine into the rifle and loaded it.  
11 RINCON-MEZA claimed that the rifle was his gun that he used for squirrels. He then  
12 retrieved a tactical scope and gave it to the UCA. Next, RINCON-MEZA went into one  
13 of the bedrooms and came out with a gallon sized zip locked bag containing one-quarter  
14 filled with a crystalline substance. The UCA, based on his training and experience,  
15 recognized the crystalline substance to be similar in appearance to one pound of  
16 methamphetamine. RINCON-MEZA weighed out an ounce of the methamphetamine on  
17 a scale, next to a .22 caliber rifle. RINCON-MEZA packaged the methamphetamine in  
18 plastic wrapping and commented to the UCA that he had to "make some money real  
19 quick" and walked outside with the methamphetamine. Agents observed RINCON-  
20 MEZA come outside of the SUBJECT RESIDENCE conduct a drug transaction with an  
21 unknown individual.

22 25. SA Jackson conducted a search of the National Crime Information Center  
23 database and learned that the Glock 17 was reported stolen in Seattle on February 24,  
24 2019.

25 26. On March 6, 2019, ATF SA Claudia Grigore, an interstate nexus expert,  
26 examined the three firearms and determined they were all manufactured outside of the  
27 State of Washington and that all three firearm met the definition of a firearm under  
28 federal law.

1       27. On March 8, 2019, RINCON-MEZA contacted the UCA by cell phone and  
2 advised that he had two Glock Auto Sears and two Mac-11 pistols to sell. The UCA went  
3 to the SUBJECT Residence and saw the same .22 caliber rifle on the couch. RINCON-  
4 MEZA stated that he did not have the auto sears and pistols, but may have AK-47s  
5 available later. On that evening, RINCON-MEZA contacted the UCA by phone offering  
6 two AK-47s rifles. The price offered was deemed too expensive so the UCA did not  
7 arrange the transaction.

8                               **VI. AGENT'S RELEVANT EXPERIENCE**

9       28. As a result of my training and experience, and through consultation with  
10 other experienced investigators, I know or have reason to believe the following:

11           a. That persons who possess firearms commonly store the firearms in  
12 their residence, and in their garage and/or outbuildings located on the property of  
13 their residence, and that it is reasonable for a law enforcement investigator to  
14 believe that persons who possess firearms also have other items related to  
15 firearms, such as gun cases, ammunition, ammunition magazines, holsters, spare  
16 parts, cleaning equipment, literature relating to firearms, photographs of firearms  
17 and receipts for the purchase of these items;

18           b. That persons store and maintain documents and records which  
19 indicate their occupancy and/or ownership of residences, such as personal mail,  
20 receipts, checkbooks, personal identification documents, notes and other  
21 correspondence, utility bills, financial documents, keys, photographs, leases,  
22 mortgage bills, vehicle registration information, ownership warranties,  
23 photographs of themselves occupying the property and vehicles, within their  
24 residences;

25           c. That firearms are not perishable nor readily destroyed, but are items of a  
26 continuing nature, have an enduring utility to persons who possess them, and their  
27 possession is typically constant and ongoing, often remaining in one person's  
28 possession for a period of time sufficient for the person to have access to use, and

1 therefore the unlawful possession of firearms is typically an ongoing offense and  
2 the prohibited person in possession of firearms will retain possession for many  
3 days, months, and even years, in their residence, on their person, in a vehicle, or  
4 other storage location;

5 d. That even when a person does dispose of a firearm, they often continue to  
6 retain evidence of their prior possession of the firearm, such as gun cases,  
7 ammunition, ammunition magazines, holsters, spare parts, cleaning equipment,  
8 literature relating to firearms, photographs of firearms and receipts for the  
9 purchase of these items, in their residence and vehicle.

10 29. Regarding drug trafficking, based on my training and experience, and based  
11 upon my consultation with other experienced law enforcement agents and officers, I  
12 know that:

13 a. Illicit drugs are frequently stored, weighed, and packaged using  
14 equipment such as scales, sifters, hammers, grinders, razor blades, glass panes,  
15 mirrors, kilo or pound presses, and the like for processing and preparing drugs for  
16 sale. It is also typical practice to repackage the drugs oftentimes in smaller  
17 quantities using masking agents, tape, heat-sealers, heat-sealed bags, Ziploc or  
18 similar plastic bags, paper or plastic bindles, gel capsules, and other containers for  
19 redistribution. It is further common for drug traffickers to maintain hidden  
20 compartments, items altered for the purpose of hiding or concealing drugs, and  
21 items purchased and converted for the use of storing their drugs. It is common for  
22 drug traffickers to maintain their equipment and supplies in their residences and/or  
23 vehicles where they are concealed from law enforcement officials and where they  
24 may be easily accessed and utilized.

25 b. It is common for drug traffickers to maintain books, receipts,  
26 purchase orders, notes, ledgers, notebooks and other forms of records specifically  
27 relating to their drug distribution activities in order to account for the  
28 transportation, ordering, purchase, manufacturing, and distribution of their illegal

1 drugs and the remittance of drug proceeds. Moreover, because drug traffickers  
2 will often 'front' (sell on consignment) controlled substances to their customers, or  
3 they will be 'fronted' (buy on credit) controlled substances from their suppliers,  
4 such documentation is necessary to keep track of the amounts paid and owed with  
5 respect to their customers and suppliers. These ledgers are more commonly  
6 known as "pay/owe" sheets and may be as simple as notations on miscellaneous  
7 pieces of paper or may be recorded more formally in notebooks, on electronic or  
8 digital notepads on cellular telephones and other digital devices, and on computer  
9 spreadsheets. Such records are also frequently encoded to protect those involved  
10 in distribution activities and are often maintained by drug traffickers on their  
11 persons, in their residences, and/or vehicles so the records are close at hand and  
12 readily available to be referenced.

13 c. Drug traffickers frequently maintain lists of names, aliases,  
14 telephone numbers, physical addresses, and email addresses, sometimes encoded  
15 and sometimes not encoded, for contacting their suppliers, customers, transporters,  
16 and others involved in their drug distribution activities. Those records are also  
17 typically maintained in residences, vehicles, and storage units where they can be  
18 readily available to reference in preparation for and during drug transactions.  
19 Moreover, such records are commonly stored electronically in cellular telephones,  
20 e-reader devices, laptops, computers, and other digital devices.

21 d. Drug traffickers also commonly store their illicit drug inventory and  
22 any drug use paraphernalia, to include pipes, syringes, and rolling papers, in their  
23 residences, vehicles, and/or storage units so that they may have ready access to  
24 these items while conducting drug activities, and also, to conceal these items from  
25 law enforcement officials.

26 e. It is common for drug traffickers to conceal large sums of currency,  
27 precious metals, jewelry, wire transfer receipts, cashier checks, money orders, and  
28 other financial instruments or items of value that either represent the proceeds

1 from drug sales or are intended for the purchase of controlled substances,  
2 including documentation relating to the purchase of real estate and motor vehicles.

3 f. During the course of a search, it is not uncommon to find articles of  
4 personal property that tend to identify the person(s) in the residence, occupancy,  
5 control, or ownership of the subject premises and/or vehicle, such as canceled  
6 mail, deeds, leases, titles, registration information, rental agreements, photographs,  
7 videos, diaries, utility and telephone bills, tax documentation, travel documents,  
8 statements, passports, driver's licenses, and/or identification cards, immigration  
9 documents, birth certificates, and keys.

10 30. Moreover, persons involved in firearms and drug trafficking frequently  
11 utilize cellular telephones, text-messaging devices, voicemail, telephone calling cards,  
12 computers, email and/or personal digital assistants such as Palm and Blackberry devices,  
13 in order to communicate with their suppliers, customers, transporters, and others involved  
14 in their firearms and drug trafficking activities. These items are often maintained on their  
15 persons or in their residences and vehicles where they are readily available. Further,  
16 firearms and drug traffickers often utilize two-way radios, police scanners, video  
17 surveillance systems, and other counter-surveillance equipment to prevent detection by  
18 law enforcement, and such items are typically located at their residences and/or vehicles.

19 31. This investigation has established that RINCON-MEZA utilizes a cellular  
20 telephone to communicate regarding firearms trafficking. Further, CI1 told agents that  
21 RINCON-MEZA has a surveillance camera system in his home. Such systems are  
22 commonly used by persons involved in firearms and drug trafficking to protect their  
23 firearms and narcotics, to detect and prevent burglaries of their contraband items, as well  
24 as to be informed and alerted about law enforcement activity.

25 32. Regarding cellular phones and other digital and electronic devices, these  
26 items often contain evidence of firearms and drug trafficking, including:

27 a. Assigned telephone number and identifying serial number (e.g. ESN,  
28 MIN, IMSI, IMEI);

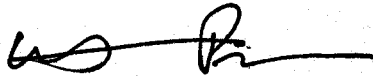
- b. Stored list of recent received, sent, or missed calls;
- c. Stored contact information;
- d. Stored photographs of firearms, firearm parts, weapons, narcotics, currency, suspected criminal activity, and/or the use of the phone or coconspirators, including any embedded GPS data associated with those photographs; and,
- e. Stored text messages.

33. Furthermore, I know that it is common for firearms and drug traffickers to secrete firearms and other weapons, drugs, currency, and other valuable items representing criminal proceeds within their residence and vehicle to prevent theft of such items by other persons or the seizure by law enforcement. These secure locations typically include safes, portable safes, vaults, and other locked containers (sometimes requiring passwords or codes to open), as well as specially constructed concealed compartments such as those often found in 'load cars' used to specifically facilitate the transportation of controlled substances.

## VI. CONCLUSION

34. Based on the facts set forth in this affidavit, I submit that there is probable cause to believe that JESUS RINCON-MEZA is involved in unlawful firearms and drug trafficking activities, and that evidence, fruits, and instrumentalities of the crimes of Possession of Firearms by an Alien, in violation of 18 U.S.C. § 922(g)(5); Possession of a Firearm During a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c); Possession and Transfer of Unregistered Firearms, in violation of 26 U.S.C. 5861(d) and 5861(e),

1 and Possession of Controlled Substances with Intent to Distribute, in violation of 21  
2 U.S.C. § 841(a)(1), as described in Attachment B will likely be found at the Subject  
3 Residence and the Subject Vehicle.

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5 

6 ELLIOTT J. PROSE, U.S. Department of Justice  
7 Bureau of Alcohol, Tobacco, Firearms, and Explosives

8 The above-named agent provided a sworn statement attesting to the truth of the  
9 contents of the foregoing affidavit on the 19 day of March, 2019.

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12 Mary Alice Theiler  
13 United States Magistrate Judge  
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